

P.F. 45797

G. R. S. IX-5]

Previous references.

1892-98

191 .

(L.R.)

File No. 112 of 97

Serial Nos. 1-6

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-6.

Major Part B for October 1899

SUBJECT.

Refund bill in favour of Naik
Chennakesavaiah, Kadur
Sakirajpetta village, Kadur District.

RO
Forwarded
BSR

SECRETARY'S OFFICE.

REVENUE BRANCH.

OFFICE NOTE.

SUBJECT.

Refund of ~~Rs~~ 15. 15-
to one Nair Chemma-
Kasavayya of Sakupatua
village, Kadam Taluk.

LAST REFERENCE

Letter No. 85 dated 18th August 97.
from the Deputy Commr, Kadam.

On 27th June 97, Chemma-
Kasavayya applied for
over: no 442, measuring 35-
assessed at Rs 15-⁰⁰ of Sak-
upatua village, Kadam Taluk.

The land was purchased
by him in the sale held on
17/12/97 and he was put in
possession of it on 25/2/98
by which time cultivation
season had been over.
But the assessment on the
land was recovered from
him for that year i.e 97/98.

This

amount not being properly recoverable from him, the refund of this amount was recommended.

The entire record connected with the sale of the land Sur: no 442, was called for & received from the Deputy Commissioner. The record discloses the following facts: —

1. On 20/6/97 Lehna Kesariya applied for Sur: nos 442, 443 & 444. As no 443 had been included in the list of reserved date groves, the grant of it was refused and a proclamation for the sale to be held on 9/8/97, of the remaining 2 Sur: nos: was issued from the Taluk. on 13/7/97, as these lands were borne in the list "B". On 12/8/97 the Sheerkadan reported

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dar's orders no 159

27.8.97

reported that the sale
 could not be held on 28/8/97
 as he was absent elsewhere
 near Haliand village on
 more urgent work. A
 fresh proclamation was
 therefore issued for the
 sale being conducted on
 28/9/97. Sign: and 400 ft² to
 were also included in the
 proclamation as there was
 in the meantime another
 application for them from
 the same person. The sheekh
 dar was at the same time
 directed to take a correct
 account of the different
 kinds of trees on these lands
 and the estimated value
 thereof and enter these
 details in the proclamation.
 On 28/9/97 the sheekh dar
 reported that he could
 not take the correct account
 of the trees ^{without help} as the fields were
 all very extensive with
 too many trees overgrown

No 223

So as not to admit of being
counted. He also reported
that the applicant refused
to render him assistance
in this respect but stated
that he (applicant) ~~is~~
would help him if the
Cosh was given to him
out of the sale proceeds
of the lands, he required
only sum: nos 442 & 443
and they should be ~~is~~
given to him for a small
price (sums of 204 & 205),
without being allowed
to open competition -
A notice was afterwards
issued to the applicant
from the Taluk, requiring
him to help the Sheekh-
dar in counting the trees
Even then no help was
given to the Sheekhdar
by the applicant. The
Sheekhdar was again
ordered to have the

5 trees counted at once.
The trees were accordingly
counted & a fresh notice
of sale was issued for
17th Decr 97 on which date
& the following date the
lands were sold. The
applicant purchased
only no 442 for Rs 90.4.0,
while nos 444 & 445 were
purchased by a different
person for Rs 5/- & no 446
petached no bid at all.
Wankharbhar refused
even to attend the sales
of nos 444, 445 & 446 stating
that he did not want
them. But on the other
hand, he petitioned the
Dy Commr on 31/12/97 & the
Amildar on 4/1/98, complain-
ing against the procedure
of the Sheekhda in con-
ducting the sale. The
amildar thereafter, held
an enquiry and reported
to the Dy Commr on 29/1/98
that

the Complaint was made
 out of malicious motives
 of the Applicant & the
 Sale was confirmed by
 the Dy. Commr. on the same
 date. The Auctioneer further
 represented on 8/2/78 that
 the amount fetched by
 Surs nos 444 & 445 was
 very small when compared
 with the value of trees standing
 on them. The confirmation
 order was therefore restricted
 only to Sur: no 442 & the
 other nos were ordered to
 be resold (H.C.'s order of 12/2/78).
 The purchaser of Sur: no:
 442 i.e. the Applicant was
 put in possession of it
 on 20/2/78 when cultivation
 season had expired.

~~It is also stated in the~~
~~affidavit that the~~
~~Applicant is not~~
~~affidavit.~~

submitted for orders.
 It is not stated in the
 Sale notice that the purchaser
 should be bound to pay current
 year's land revenue -
 Submitted to Secretary
 on 22/2/78

(X) No. 1012 of 1978, B2796-72/1012
 1/2
 9/2
 2/79

That it there not a Rule
 under which such
 payment is a
 condition for the
 release of an order
 or the release of land
 or the release of
 the estate of
 26/9/78

Office note Continued

Serial no (10) is the
accompanying file
no 290-72

In para 2 of Govt Pro.
no. ⁴⁷³⁴⁻³¹ 1019/73 it
is ordered, that when a
Warkhach is accepted &
permission granted to
enter upon occupation
the assessment is payable
for the whole year in
which the land is
granted, unless other-
wise ordered by the Dy
Comr, (para 17 Rule ~~22~~) so
that if the permission
happens to be granted
at a part of the Revenue
year when it is im-
possible to derive any
crop from the land
within that year, there
is nothing to prevent
the Dy Comr ordering
that

that the permission to
occupy shall take effect
from the ensuing year
i.e 1st July following.

No such order seems
to have been framed by
the Dy. Commr. tho: there
was a prayer from the
applicant in his applⁿ
dated 29/1/98, that he
should be exempted
from paying the Kandayam
for 1897/98. The appli-
cant again urged the
same thing among others
in his petition to Govt^y
dated 26/2/98, which
petition was forwarded
to the Dy. Commr. for
disposal. The Dy. Commr.
thereupon held perso-
nal enquiry and issued
an order no 49 of 24/7/98

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to the effect that the land
 of you should not be
 recovered from the appli-
 cant for 1897/98 in res-
 pect of Ser: no 442 & if it
 has been already recovered
 that a refused bill is
 should be submitted for
 Sanction. In pursuance
 of this order, the refused
 bill has been submitted.

There is nothing on record
 to show whether any &
 what crop was raised
 by the applicant on the
 land in question in the
 year 1897/98.

From the records it appears
 that the applicant ie
 Gama Kesavaiah was
 the only person who
 applied for the land

no 442

in question and that
there was none else
who offered to pay
the Kandayan for this
land for 97/98.

submitted. Secretary

By saying above
that it is not stated in
the sale notice that
the purchaser should
pay the current
year's Kandayan
my object was
to add as a piece
of additional information
that the purchaser
had not been estopped
from claiming the
refund. It is no
objection because
in the prescribed form
of sale notice it is
not one of the conditions
laid down. But in
some cases I remember
it has been
added though not
necessarily.

28/9/95

The Cookchart was made
 in June, the bill was
 held in Dec, con-
 firmation was ordered
 in January & no paper
 was given in July. The
 Cookchart was not
~~to~~ much to blame
 for the delay - so early
 as in the date of con-
 firmation, & before
 delivery of no paper.
 The purchaser (Govt)
 - Khastbar) repudiated
 his liability to pay
 the Khastbar of first
 year. The refund was
 moved may therefore
 be sanctioned this
 strictly checking
 it cannot be
 claimed as a matter
 of right.

Subd 2279

Rev. 30th
 2.10.99.

30, 9/199

Thereby
 may be sanctioned
 with
 6.10.99
 12/10/99

Refr

1/7/98

12

1898

2

23/4 of 2nd put up.

1/7/98 L.R. 117-97-1

Said
stated 2nd put up
2nd put up
quondam of his several
doctors (for grammar & over
643, 444, 445 and 446 of of Sabie
(Sabie) presented to the Amildar
the 2nd put up 2nd put up
that all his applications
had been sent to the Amildar for disposal
Pety further states that he
was made to pay for 8 (8) (which was granted to him) an
account price more than
worth. And from for refund
of the excess amount

The Amildar does not
seem to have finally disposed
of the 2nd put up applications

5.7.98

To S. Amildar
by Amildar
17/10

12-10-98
17.98

No. 3045

Name of Petitioner Chinnahar

Village Sakharapatna

Taluk

District

Kadur

Date of Arzi 17.6.98

Date of Receipt 22.6.98

Date of Disposal

No. of Enclosure

14

ABSTRACT

With reference to Govt. order
23/4 dated 28.3.98 the, petitioner
states that he has returned his
petition duly stamped & paid
an amt. of Rs. 359.48.97 from
the dep. Commr. of Kadur which
runs as follows:-

Your petitions have all been
forwarded to the Amildar of
Kadur - You are directed
to go & represent your circumstances
before him. The Amildar will
dispose of your case early -
petitioner further states
that.

that he has been petitioning
for the last one year without
getting any reply; that he
represented the his case personally
both at the time of Janna
-buzgat head-quarters.

Prays that orders may be issued
not to sell his lands till
disposal of his petition.

Further that with reference to
the ^{entire} ~~previous~~ records equitable
orders may be passed

OK 28/6/98. Enclosures.

1. Govt: Enob: no: 914822.10.97
- 2,3,4 Postal receipts
5. Demand notice from the
Taluk
6. Dep: Commis Enob: no: 358/48.97
7. Pet: no: 2814 addressed to Govt:
8. Copy of order granting the
land to the petitioner
9. Notice of 1.10.97 from the
Taluk to the petitioner
10. Notice of 18.9.97 from the Shikhar
Tal of Sakraya Taluk to the
petitioner
11. Notice from the Amildar of
Kapur of 27.8.97 to the petitioner
12. Kapur Amildar's Enob: no 176822.8.97
13. — do — do — 40 of 5.8.97
14. — do — do — 19 of 13.7.97



208025092
14-7-98

44

P₂

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

Pet
21

OFFICIAL MEMORANDUM.

L. R. 117-97-2

The accompanying Appeal Petitions
Registered Nos 2344, dated 26.2.98 and
" and 3445 17.5.98
received at the Dewan's Office from

Channakesavaya of
Sakrepetra in the Kadur
Taluk, complaining of the
non disposal of his several
applications praying for
grant of certain B. Nos 443
444, 445 and 446 for cultivation
is forwarded, together with its

enclosures to the Deputy
Commissioner of the
Kadur Dt., for disposal
by endorsement

By order,

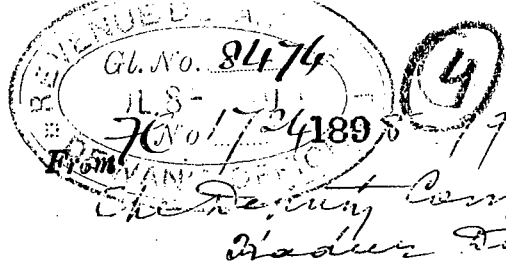
BANGALORE,

14/7

1898

per Secretary.

11.7.98



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L. R. 117-97-3

To The Secretary to Govt
General and Revenue Depto

Dated 30th June

Despatched 6th July 1897

Received

General No. 682
No.

✓
Enclosure No. 1 & other papers

Submitting for sanction
a refund bill for Rs 10-10-
in favor of one Baik Chen-
nakeevia.

11/7/97
2 1/2
82288
11/7/97

Retn. In:
Please put up C. M. No. 210 12-7-98 referred
with the bill with its connected papers

Refers refd to same in put up

12/2/97
Subd with draft

18/7

Kadur District,
Deputy Commissioner's Office,
Chikmagalur, 30th June 1877.

From
The Deputy Commissioner,
Kadur District

To
The Secretary to the Govt. of Mysore
Genl. & Rev. Departments

Sir,
I have the honor to submit herewith
for sanction and transmission to the
Comptroller for audit, a refund bill for a
sum of Rs. 15/5. being the amount of Kandayam
laid by Nair Chinnachiar on account of
Survey No. 442 of Sakrepatna village in
the Kadur Taluk, which it is proposed (as per
Govt. Order) should be returned to him, as
the land was given to his possession after the
cultivation season.

2. The Vernacular correspondence ending
with the Kadur Amildar's report No. 823 of the
23rd June 1877 is herewith submitted for reference
and favor of return.

I have the honor to be,
Sir,
Your most obt. Servant,


Deputy Commissioner
of Kadur

Draft: 1000
1899 (3)

From

17

To

The Dy. Commr. Madras.

L.R. 117-97-4

Dated 19th July 1899

Despatched

Received

General No.

No. 69.

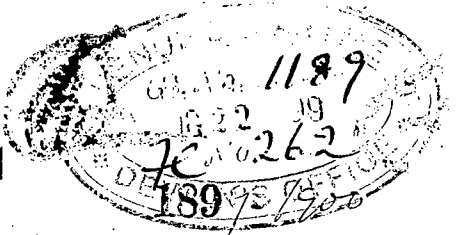
Enclosure No.

His letter no. 682 dated 6th July 1899, submitting a return bill for Rs 15-15-0 in favor of one Natch Chenna Kesaria.

In return ~~has the honor to return~~
~~the enclosure of the above~~
~~particulars~~ request that the
~~same may be submitted~~
~~together with the papers con-~~
nected with Chenna Kesaria
dar Kach and the sale proceed-
ings of land S. No. 442 of
Sakrepata, Madras Taluk.
for reference. May be forwarded
this office for reference
By order

for 18/7/99
Secretary

4
Gen. 31]



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From The Deputy Commissioner
Kadur District

To The Secretary to the
Government of Mysore
Gent and Rev. Secy.

Dated 18th

Despatched 19th

Received

} August 1899

General No.
No.

85

Enclosure No. 1 in papers

Forwarding for reference
and return the canase
papers connected with
Chennakesaviah's father
and the late proceedings
of P. no 442 of the Lakshmi
village and recommending
the refund bill for Rs. 5, 00/-

R
22.8.99
Deputy Commissioner
Kadur

Sealed with an official
note & a draft for
aff. used
1/9/99

24/8/99.
25/8/99

1899-1900

Kadur District
Deputy Commr's Office.
Camp, Kadur, 18th August
1899

1285

From

The Deputy Commissioner
Kadur District

To The Secretary to the
Government of Mysore
Genl. and Rev. Supts.

Sir,

As called for in your docket
no 576 of the 19th July 1899, I have the
honour to forward herewith for reference
and favour of return when no longer
required the canarese papers connected
with Chemakecariak's darkhast and
the sale proceedings of Survey No 442 of
the Sakrepatna village in the Kadur
Taluk. The refund bill for Rs. 5-15-0
is herewith resubmitted.

I have the honor to be,

Yours most obedient Servant

Kiltschukowzangur

Atty. Commissioner
of Kansas

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Drafts per order

L.R. 47-97-6

Read Correspondence
ending with letter
no. 85 of 18th August 99.
from the Dy. Commr
Kadur District re
the refusal of ~~Rs~~ 15-15-
to one Chinnu-
Kesavaiya of Sakre-
fratna village Kadur
Taluk

✓. M. P.
No. 5229-30 of 28/8/99
Q. 1028 28

Order thereon.
On 29th June 1897 ~~and~~
Chinnu Kesavaiya of
~~Sakre fratna village,~~
~~Kadur Taluk~~ applied
for sur. no 442 of
the ^(Sakre fratna) village, measuring
35 acres & assessed at
~~Rs~~ 15-0-0. The land
was purchased by him

in the sale held on
17/12/97. The sale
was confirmed on
29/1/98. The purchaser
was put in possession
of the land on 25/2/98.
A the assessment thereon
viz 15.15. for the
year 1897/98 was
recovered from him.

Though there was a prayer
from him in his petition
~~sub~~ to the Dy Commr
on 29/1/98, ~~that he should~~
be exempted from paying
the ~~assess~~ for that year.

the purchaser ~~requested~~
prayed that he might

on the ground that the
cultivation season
had been then over.

On this point No order

was passed by the Dy Commr. on this point

The purchaser ~~repetition~~
again ~~repeated~~ the same
thing

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represented the matter to Govt
~~thereof~~ among others in his
 petition to ~~Government~~ of
 26/2/98, which ~~petition~~
 was forwarded to the Dy.
 Commr. for disposal. The

after inquiring
 into the case

Dy. Commr. ~~thereupon~~ held
~~personal inquiry~~ and
 ordered on 24/7/98 the
 submission of a refined
 bill in respect of this amount.

Accordingly
 a ———

The refined bill has ^{been} ~~been~~
~~accordingly~~ submitted
 for sanction. The Dur-

khaidar ~~is~~ ~~functionary~~
 was not much to blame
 for the delay, ~~in the land~~
~~being put in his possession~~

So early as on the date of
 Confirmation & before
 delivery of possession
 he repudiated his
 liability to pay the
 kharad of that year.

The refined proposed is
 therefore

Sanctioned, though in
strictly speaking it
cannot be claimed
as a matter of right.

~~The proposed bill sanctioned
for Rs 15.15. is trans-
mitted to the Comptroller
for audit.~~

27/10/88

For Secretary

To
The Dy. Commr, Madurai District
returning V. papers
The Comptroller, Mysore Govt
with the sanctioned bill.